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**TITLE 460 DIVISION OF DISABILITY AND REHABILITATIVE SERVICES**

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**Proposed Rule**  
LSA Document #11-407**DIGEST**

Amends [460 IAC 6-1-1](#) concerning purpose. Amends [460 IAC 6-2-1](#), [460 IAC 6-2-2](#), and [460 IAC 6-2-4](#) to include OMPP's authority to override any rule related to the home and community based services waiver. Amends [460 IAC 6-3-2](#), [460 IAC 6-3-5](#), [460 IAC 6-3-15.2](#), [460 IAC 6-3-18](#), [460 IAC 6-3-19](#), [460 IAC 6-3-24](#), [460 IAC 6-3-27](#), [460 IAC 6-3-30](#), [460 IAC 6-3-32](#), [460 IAC 6-3-36](#), [460 IAC 6-3-38.5](#), [460 IAC 6-3-42](#), [460 IAC 6-3-45](#), [460 IAC 6-3-51](#), and [460 IAC 6-3-52.1](#) and adds [460 IAC 6-3-9.1](#), [460 IAC 6-3-18.1](#), [460 IAC 6-3-26.2](#), [460 IAC 6-3-27.1](#), [460 IAC 6-3-29.1](#), [460 IAC 6-3-32.1](#), [460 IAC 6-3-32.2](#), [460 IAC 6-3-34.5](#), [460 IAC 6-3-38.1](#), [460 IAC 6-3-53.1](#), and [460 IAC 6-3-55.1](#) concerning definitions. Amends [460 IAC 6-4-1](#) to reference the most current waiver documents and DDRS policy manual. Adds [460 IAC 6-4.5](#) to include a conflict of interest provision. Amends [460 IAC 6-6-1](#), [460 IAC 6-6-2](#), [460 IAC 6-6-5](#), and [460 IAC 6-6-6](#) to include protocol outlined in the DDRS policy manual. Amends [460 IAC 6-7-2](#) and [460 IAC 6-7-6](#) to include monitoring requirements consistent with the DDRS policy manual. Amends [460 IAC 6-8-2](#) and [460 IAC 6-8-3](#) concerning rights of individuals. Amends [460 IAC 6-9-2](#) through [460 IAC 6-9-7](#) and adds [460 IAC 6-9-8](#) to include protocol outlined in the DDRS policy manual. Amends [460 IAC 6-10-2](#), [460 IAC 6-10-3](#), [460 IAC 6-10-5](#), [460 IAC 6-10-7](#), [460 IAC 6-10-8](#), and [460 IAC 6-10-10](#) through [460 IAC 6-10-12](#) and adds [460 IAC 6-10-5.1](#) to include protocol outlined in the DDRS policy manual and residency status requirements. Amends [460 IAC 6-11-2](#) to include financial requirements. Amends [460 IAC 6-12-2](#) to include protocol outlined in the DDRS policy manual. Amends [460 IAC 6-14-3](#) through [460 IAC 6-14-5](#) and [460 IAC 6-14-7](#) to include qualifications outlined in the DDRS policy manual. Amends [460 IAC 6-15-2](#), [460 IAC 6-16-1](#), [460 IAC 6-16-2](#), [460 IAC 6-16-4](#), and [460 IAC 6-17-2](#) through [460 IAC 6-17-4](#) to include protocol outlined in the DDRS policy manual. Amends [460 IAC 6-24-3](#) to ensure proper management of an individual's finances. Amends [460 IAC 6-25-1](#) through [460 IAC 6-25-3](#) and [460 IAC 6-29-1](#) through [460 IAC 6-29-3](#) and [460 IAC 6-29-5](#) to include protocol outlined in the DDRS policy manual. Amends [460 IAC 6-36-2](#) to include ethics protocol outlined in the DDRS policy manual. Adds [460 IAC 6-37](#) to include BDDS as the placement authority for persons with a developmental disability. Adds [460 IAC 6-38](#) to include auto-assignment for individuals who do not follow specified time frames. Adds [460 IAC 6-39](#) to include a 30 day public review period for DDRS policies. Repeals [460 IAC 6-2-3](#), [460 IAC 6-3-2.1](#), [460 IAC 6-3-4](#), [460 IAC 6-3-5.1](#), [460 IAC 6-3-5.2](#), [460 IAC 6-3-6.1](#), [460 IAC 6-3-7](#), [460 IAC 6-3-10.1](#) through [460 IAC 6-3-15.1](#), [460 IAC 6-3-15.3](#) through [460 IAC 6-3-17](#), [460 IAC 6-3-20](#), [460 IAC 6-3-21](#), [460 IAC 6-3-23](#), [460 IAC 6-3-25](#), [460 IAC 6-3-26](#), [460 IAC 6-3-28](#), [460 IAC 6-3-29](#), [460 IAC 6-3-29.5](#), [460 IAC 6-3-31](#), [460 IAC 6-3-33](#), [460 IAC 6-3-37](#), [460 IAC 6-3-38](#), [460 IAC 6-3-38.6](#) through [460 IAC 6-3-41.1](#), [460 IAC 6-3-43](#), [460 IAC 6-3-44](#), [460 IAC 6-3-47](#) through [460 IAC 6-3-50](#), [460 IAC 6-3-52](#), [460 IAC 6-3-53](#), [460 IAC 6-3-55](#), [460 IAC 6-3-56](#) through [460 IAC 6-3-58](#), [460 IAC 6-5](#), [460 IAC 6-6-3](#), [460 IAC 6-6-4](#), [460 IAC 6-7-1](#), [460 IAC 6-7-3](#), [460 IAC 6-7-4](#), [460 IAC 6-8-1](#), [460 IAC 6-9-1](#), [460 IAC 6-10-1](#), [460 IAC 6-10-6](#), [460 IAC 6-10-13](#), [460 IAC 6-11-1](#), [460 IAC 6-11-3](#), [460 IAC 6-12-1](#), [460 IAC 6-13](#), [460 IAC 6-14-1](#), [460 IAC 6-14-6](#), [460 IAC 6-15-1](#), [460 IAC 6-16-3](#), [460 IAC 6-17-1](#), [460 IAC 6-18](#) through [460 IAC 6-23](#), [460 IAC 6-24-1](#), [460 IAC 6-24-2](#), [460 IAC 6-25-4](#) through [460 IAC 6-25-10](#), [460 IAC 6-26](#) through [460 IAC 6-28](#), [460 IAC 6-29-4](#), [460 IAC 6-29-6](#) through [460 IAC 6-29-9](#), [460 IAC 6-30](#) through [460 IAC 6-35](#), and [460 IAC 6-36-1](#). Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[460 IAC 6-1-1](#); [460 IAC 6-2-1](#); [460 IAC 6-2-2](#); [460 IAC 6-2-3](#); [460 IAC 6-2-4](#); [460 IAC 6-3-2](#); [460 IAC 6-3-2.1](#); [460 IAC 6-3-4](#); [460 IAC 6-3-5](#); [460 IAC 6-3-5.1](#); [460 IAC 6-3-5.2](#); [460 IAC 6-3-6.1](#); [460 IAC 6-3-7](#); [460 IAC 6-3-9.1](#); [460 IAC 6-3-10.1](#); [460 IAC 6-3-11](#); [460 IAC 6-3-12](#); [460 IAC 6-3-13](#); [460 IAC 6-3-14](#); [460 IAC 6-3-15](#); [460 IAC 6-3-15.1](#); [460 IAC 6-3-15.2](#); [460 IAC 6-3-15.3](#); [460 IAC 6-3-16](#); [460 IAC 6-3-17](#); [460 IAC 6-3-18](#); [460 IAC 6-3-18.1](#); [460 IAC 6-3-19](#); [460 IAC 6-3-20](#); [460 IAC 6-3-21](#); [460 IAC 6-3-23](#); [460 IAC 6-3-24](#); [460 IAC 6-3-25](#); [460 IAC 6-3-26](#); [460 IAC 6-3-26.2](#); [460 IAC 6-3-27](#); [460 IAC 6-3-27.1](#); [460 IAC 6-3-28](#); [460 IAC 6-3-29](#); [460 IAC 6-3-29.1](#); [460 IAC 6-3-29.5](#); [460 IAC 6-3-30](#); [460 IAC 6-3-31](#); [460 IAC 6-3-32](#); [460 IAC 6-3-32.1](#); [460 IAC 6-3-32.2](#); [460 IAC 6-3-33](#); [460 IAC 6-3-34.5](#); [460 IAC 6-3-36](#); [460 IAC 6-3-37](#); [460 IAC 6-3-38](#); [460 IAC 6-3-38.1](#); [460 IAC 6-3-38.5](#); [460 IAC 6-3-38.6](#); [460 IAC 6-3-39](#); [460 IAC 6-3-40](#); [460 IAC 6-3-41](#); [460 IAC 6-3-41.1](#); [460 IAC 6-3-42](#); [460 IAC 6-3-43](#); [460 IAC 6-3-44](#); [460 IAC 6-3-45](#); [460 IAC 6-3-47](#); [460 IAC 6-3-48](#); [460 IAC 6-3-49](#); [460 IAC 6-3-50](#); [460 IAC 6-3-51](#); [460 IAC 6-3-52](#); [460 IAC 6-3-52.1](#); [460 IAC 6-3-53](#); [460 IAC 6-3-53.1](#); [460 IAC 6-3-55](#); [460 IAC 6-3-55.1](#); [460 IAC 6-3-56](#); [460 IAC 6-3-57](#); [460 IAC 6-3-58](#); [460 IAC 6-4-1](#); [460 IAC 6-4.5](#); [460 IAC 6-5](#); [460 IAC 6-6-1](#); [460 IAC 6-6-2](#); [460 IAC 6-6-3](#); [460 IAC 6-6-4](#); [460 IAC 6-6-5](#); [460 IAC 6-6-6](#); [460 IAC 6-7-1](#); [460 IAC 6-7-2](#); [460 IAC 6-7-3](#); [460 IAC 6-7-4](#); [460 IAC 6-7-6](#); [460 IAC 6-8-1](#); [460 IAC 6-8-2](#); [460 IAC 6-8-3](#); [460 IAC 6-9-1](#); [460 IAC 6-9-2](#); [460 IAC 6-9-3](#); [460 IAC 6-9-4](#); [460 IAC 6-9-5](#); [460 IAC 6-9-6](#); [460 IAC 6-9-7](#); [460](#)

[460 IAC 6-9-8](#); [460 IAC 6-10-1](#); [460 IAC 6-10-2](#); [460 IAC 6-10-3](#); [460 IAC 6-10-5](#); [460 IAC 6-10-5.1](#); [460 IAC 6-10-6](#); [460 IAC 6-10-7](#); [460 IAC 6-10-8](#); [460 IAC 6-10-10](#); [460 IAC 6-10-11](#); [460 IAC 6-10-12](#); [460 IAC 6-10-13](#); [460 IAC 6-11-1](#); [460 IAC 6-11-2](#); [460 IAC 6-11-3](#); [460 IAC 6-12-1](#); [460 IAC 6-12-2](#); [460 IAC 6-13](#); [460 IAC 6-14-1](#); [460 IAC 6-14-3](#); [460 IAC 6-14-4](#); [460 IAC 6-14-5](#); [460 IAC 6-14-6](#); [460 IAC 6-14-7](#); [460 IAC 6-15-1](#); [460 IAC 6-15-2](#); [460 IAC 6-16-1](#); [460 IAC 6-16-2](#); [460 IAC 6-16-3](#); [460 IAC 6-16-4](#); [460 IAC 6-17-1](#); [460 IAC 6-17-2](#); [460 IAC 6-17-3](#); [460 IAC 6-17-4](#); [460 IAC 6-18](#); [460 IAC 6-19](#); [460 IAC 6-20](#); [460 IAC 6-21](#); [460 IAC 6-22](#); [460 IAC 6-23](#); [460 IAC 6-24-1](#); [460 IAC 6-24-2](#); [460 IAC 6-24-3](#); [460 IAC 6-25-1](#); [460 IAC 6-25-2](#); [460 IAC 6-25-3](#); [460 IAC 6-25-4](#); [460 IAC 6-25-5](#); [460 IAC 6-25-6](#); [460 IAC 6-25-7](#); [460 IAC 6-25-8](#); [460 IAC 6-25-9](#); [460 IAC 6-25-10](#); [460 IAC 6-26](#); [460 IAC 6-27](#); [460 IAC 6-28](#); [460 IAC 6-29-1](#); [460 IAC 6-29-2](#); [460 IAC 6-29-3](#); [460 IAC 6-29-4](#); [460 IAC 6-29-5](#); [460 IAC 6-29-6](#); [460 IAC 6-29-7](#); [460 IAC 6-29-8](#); [460 IAC 6-29-9](#); [460 IAC 6-30](#); [460 IAC 6-31](#); [460 IAC 6-32](#); [460 IAC 6-33](#); [460 IAC 6-34](#); [460 IAC 6-35](#); [460 IAC 6-36-1](#); [460 IAC 6-36-2](#); [460 IAC 6-37](#); [460 IAC 6-38](#); [460 IAC 6-39](#)

SECTION 1. [460 IAC 6-1-1](#) IS AMENDED TO READ AS FOLLOWS:

## ARTICLE 6. SUPPORTED LIVING SERVICES

### [460 IAC 6-1-1](#) Purpose

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 1. The purpose of this article is to establish standards and requirements for the approval and monitoring of providers of supported living services and supports to individuals with a developmental disability.

(Division of Disability and Rehabilitative Services; [460 IAC 6-1-1](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 749; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 2. [460 IAC 6-2-1](#) IS AMENDED TO READ AS FOLLOWS:

### [460 IAC 6-2-1](#) providers of services

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 1. This article applies to the approval and monitoring of providers of supported living services. or supported living supports.

(Division of Disability and Rehabilitative Services; [460 IAC 6-2-1](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 749; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 3. [460 IAC 6-2-2](#) IS AMENDED TO READ AS FOLLOWS:

### [460 IAC 6-2-2](#) Rules applicable to all providers

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 2. This rule, ~~[460 IAC 6-3](#)~~ through ~~[460 IAC 6-17](#)~~, and ~~[460 IAC 6-34](#)~~ All rules within this article apply to all providers of supported living services. and supports.

(Division of Disability and Rehabilitative Services; [460 IAC 6-2-2](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 749; filed Apr 16, 2004, 10:00 a.m.: 27 IR 2724; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 4. [460 IAC 6-2-4](#) IS AMENDED TO READ AS FOLLOWS:

### [460 IAC 6-2-4](#) Conflict with Medicaid provisions

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 4. (a) If any provision of this article is deemed to be in conflict with any federal or state statute, regulation, or rule that is specifically applicable to the Medicaid program, **including a home and community based services waiver approved by the Centers for Medicare and Medicaid Services under Section 1915(c) of the Social Security Act**, then such other statute, regulation, **Medicare provision**, or rule shall supersede that part of this article in which the conflict is found.

(b) The OMPP may override any rule in this article as it is related to a home and community based services waiver.

(Division of Disability and Rehabilitative Services; [460 IAC 6-2-4](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 749; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 5. [460 IAC 6-3-2](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-3-2](#) "Abuse" defined**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 2. (a) "Abuse" means the following: **any physical, sexual, verbal, or psychological abuse as defined in the DDRS policy manual.**

- (1) Intentional or willful infliction of physical injury.
- (2) Unnecessary physical or chemical restraints or isolation.
- (3) Punishment with resulting physical harm or pain.
- (4) Sexual molestation, rape, sexual misconduct, sexual coercion, and sexual exploitation.
- (5) Verbal or demonstrative harm caused by oral or written language, or gestures with disparaging or derogatory implications.
- (6) Psychological, mental, or emotional harm caused by unreasonable confinement, intimidation, humiliation, harassment, threats of punishment, or deprivation.

(b) In addition to the reporting requirements outlined in [460 IAC 6-9-5](#), abuse may require the provider to file a police report.

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-2](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 749; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 6. [460 IAC 6-3-5](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-3-5](#) "Applicant" defined**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 5. "Applicant" means a natural person or entity who applies to the ~~BDDS~~ **DDRS** for approval to provide one (1) or more supported living services or supports.

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-5](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 750; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 7. [460 IAC 6-3-9.1](#) IS ADDED TO READ AS FOLLOWS:

**[460 IAC 6-3-9.1](#) "Case manager" defined**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

**Sec. 9.1. "Case manager" means a person employed to provide case management services.**

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-9.1](#))

SECTION 8. [460 IAC 6-3-15.2](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-3-15.2](#) "Conflict of interest" defined**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 15.2. "Conflict of interest" means a situation in which:

- (1) ~~an agent, employee, or owner, a director, an officer, an employee, a contractor, a subcontractor, or an agent performing any management, administrative, or direct services to an individual on behalf of a~~ provider, or a family member of any of these individuals has a private financial interest, such as affiliation through employment or contract, with an organization that does business with the provider; **or**
- (2) **a person or provider uses its position to exploit an official capacity in some way for its personal or corporate benefit.**

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-15.2](#); filed Apr 16, 2004, 10:00 a.m.: 27 IR 2724; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 9. [460 IAC 6-3-18](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-3-18](#) "Direct support professional staff" defined**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 18. "Direct care **support professional staff**" means ~~a person, or an owner, a director, an agent, an employee, a contractor, a subcontractor, or an officer~~ of a provider entity who provides **direct or hands-on** services to an individual while providing any of the following services **for which the provider has received BDDS approval as fully listed in the most applicable and recently approved:**

- (1) ~~Adult day services.~~
- (2) ~~Adult foster care services.~~
- (3) ~~Community-based sheltered employment services.~~
- (4) ~~Community education and therapeutic activities services.~~
- (5) ~~Community habilitation and participation services.~~
- (6) ~~Facility-based sheltered employment services.~~
- (7) ~~Prevocational services.~~
- (8) ~~Residential habilitation and support services.~~
- (9) ~~Respite care services.~~
- (10) ~~Supported employment services.~~
- (11) ~~Transportation services.~~
- (12) ~~Children's foster care services.~~
- (13) ~~Independence assistance services.~~

- (1) **Indiana Medicaid home and community based services waiver document; or**
- (2) **guidelines for expenses and costs through BDDS state line item funds.**

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-18](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 751; filed Aug 29, 2003, 10:30 a.m.: 27 IR 102; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 10. [460 IAC 6-3-18.1](#) IS ADDED TO READ AS FOLLOWS:

**[460 IAC 6-3-18.1](#) "Director" defined**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)  
Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

**Sec. 18.1. "Director" means the director of the division.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-3-18.1](#))*

SECTION 11. [460 IAC 6-3-19](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-3-19](#) "Division" or "DDRS" defined**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)  
Affected: [IC 12-9-1-1](#); [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 19. (a) ~~Except for purposes of [460 IAC 6-5-12](#), "Division" or "DDRS"~~ means the division of disability aging, and rehabilitative services created under [IC 12-9-1-1](#).

~~(b) For purposes of [460 IAC 6-5-12](#), "division" means the wage and hour division of the United States Department of Labor.~~

*(Division of Disability and Rehabilitative Services; [460 IAC 6-3-19](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 751; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 12. [460 IAC 6-3-24](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-3-24](#) "Exploitation" defined**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)  
Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 24. "Exploitation" means:

- (1) ~~unauthorized~~ use of the personal services, the property, or the identity of an individual **without the authorization of the individual**; or
  - (2) any other type of criminal exploitation; ~~including exploitation under [IC 35-46-1-1](#);~~
- for one's own profit or advantage or for the profit or advantage of another.

*(Division of Disability and Rehabilitative Services; [460 IAC 6-3-24](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 752; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 13. [460 IAC 6-3-26.2](#) IS ADDED TO READ AS FOLLOWS:

**[460 IAC 6-3-26.2](#) "FSSA" defined**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)  
Affected: [IC 12-8-1-1](#); [IC 12-11-1.1](#); [IC 12-11-2.1](#)

**Sec. 26.2. "FSSA" means the Indiana family and social services administration, established under [IC 12-8-1-1](#), which works with Indiana's:**

- (1) families;
  - (2) children;
  - (3) senior citizens;
  - (4) people with disabilities; and
  - (5) people with mental illness;
- providing services to promote self-sufficiency, independence, health, and safety.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-3-26.2](#))*

SECTION 14. [460 IAC 6-3-27](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-3-27](#) "Health care coordination" defined**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 27. (a) "Health care coordination" ~~services~~ means ~~medical~~ coordination services to manage the health care **and medical** needs of an individual **regardless of the complexity of the health care needed, including, but not limited to, the following:**

- (1) Medical consults.
- (2) Medications.
- (3) Development and oversight of risk plans, if indicated.
- (4) Utilization of needed supports.
- (5) Maintenance of health records.

**(b) Health care coordination is a component of residential habilitation support when funded by a Medicaid waiver.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-3-27](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 752; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 15. [460 IAC 6-3-27.1](#) IS ADDED TO READ AS FOLLOWS:

**[460 IAC 6-3-27.1](#) "HIPAA" defined**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

**Sec. 27.1. "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, enacted by the 104th Congress of the United States of America.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-3-27.1](#))*

SECTION 16. [460 IAC 6-3-29.1](#) IS ADDED TO READ AS FOLLOWS:

**[460 IAC 6-3-29.1](#) "Human rights committee" or "HRC" defined**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

**Sec 29.1. "Human rights committee" or "HRC" means a standing committee to review practices or situations that may impact an individual's exercise of rights.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-3-29.1](#))*

SECTION 17. [460 IAC 6-3-30](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-3-30](#) "Individual" defined**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 30. "Individual" means ~~an individual~~ **a person** with a developmental disability who has been determined eligible for **waiver** services by a service coordinator pursuant to [IC 12-11-2.1-1](#). **BDDS**. If the term is used in the



context indicating that the individual is to:

- (1) receive information; **or**
- (2) **provide agreement to some activity;**

the term also includes the individual's legal representative.

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-30](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 752; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 18. [460 IAC 6-3-32](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-3-32](#) "Individualized support plan" or "ISP" defined**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 32. "Individualized support plan" or "ISP" means a plan that establishes supports and strategies, based upon the person centered planning process, intended to accomplish the individual's long-term and short-term outcomes by accommodating the financial and human resources offered to the individual through paid provider services or volunteer services, or both, as designed and agreed upon by the individual's **individualized** support team.

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-32](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 753; filed Aug 29, 2003, 10:30 a.m.: 27 IR 102; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 19. [460 IAC 6-3-32.1](#) IS ADDED TO READ AS FOLLOWS:

**[460 IAC 6-3-32.1](#) "Individualized support team" defined**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

**Sec. 32.1. "Individualized support team" means a team of persons, including:**

- (1) an individual;
  - (2) the individual's legal representative, if applicable;
  - (3) the individual's providers;
  - (4) the individual's case manager, if indicated;
  - (5) a BDDS representative; and
  - (6) other persons identified by the individual or the individual's legal representative, if applicable;
- who assist the individual in the development and implementation of the individual's ISP.**

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-32.1](#))

SECTION 20. [460 IAC 6-3-32.2](#) IS ADDED TO READ AS FOLLOWS:

**[460 IAC 6-3-32.2](#) "Individualized support team meeting" defined**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

**Sec. 32.2. "Individualized support team meeting" means a meeting of an individualized support team that is requested by a member of the individualized support team to address one (1) or more of the items outlined in the DDRS policy manual.**

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-32.2](#))

SECTION 21. [460 IAC 6-3-34.5](#) IS ADDED TO READ AS FOLLOWS:

**[460 IAC 6-3-34.5](#) "Medicaid waiver" defined**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

**Sec. 34.5. "Medicaid waiver" means home and community based services authorized under Section 1915(c) of the Social Security Act.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-3-34.5](#))*

SECTION 22. [460 IAC 6-3-36](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-3-36](#) "Neglect" defined**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 36. "Neglect" means failure to provide:

- (1) a clean and sanitary environment;**
- (2) supervision;**
- (3) training;**
- (4) appropriate personal care;**
- (5) personal safety;**
- (6) food;**
- (7) safety and adaptive devices;**
- (8) medical care; or**
- (9) medical supervision;**

to an individual.

*(Division of Disability and Rehabilitative Services; [460 IAC 6-3-36](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 753; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 23. [460 IAC 6-3-38.1](#) IS ADDED TO READ AS FOLLOWS:

**[460 IAC 6-3-38.1](#) "OMPP" defined**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-8-6-1](#); [IC 12-11-1.1](#); [IC 12-11-2.1](#)

**Sec. 38.1. "OMPP" means the office of medicaid policy and planning as established by [IC 12-8-6-1](#).**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-3-38.1](#))*

SECTION 24. [460 IAC 6-3-38.5](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-3-38.5](#) "Person centered planning" defined**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 38.5. "Person centered planning" means a process that:

- (1) allows an individual ~~and the individual's legal representative, if applicable, and any other person chosen by the individual~~ to direct the planning and allocation of resources to meet the individual's life goals;**
- (2) achieves understanding of how an individual:**
  - (A) learns;**
  - (B) makes decisions; and**
  - (C) is and can be productive;**



- (3) discovers what the individual likes and dislikes; and
- (4) empowers an individual and the individual's family to create a life plan and corresponding ISP for the individual that:
  - (A) is based on the individual's preferences, dreams, and needs;
  - (B) encourages and supports the individual's long-term hopes and dreams;
  - (C) is supported by a short-term plan that is based on reasonable costs, given the individual's support needs;
  - (D) includes individual responsibility; and
  - (E) includes a range of supports, including funded, community, and natural supports.

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-38.5](#); filed Aug 29, 2003, 10:30 a.m.: 27 IR 103; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 25. [460 IAC 6-3-42](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-3-42](#) "Provider" defined**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 42. "Provider" means a person or entity approved by the ~~BDDS~~ **DDRS** to provide the individual with agreed upon services.

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-42](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 754; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 26. [460 IAC 6-3-45](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-3-45](#) "Reportable incident" defined**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 45. "Reportable incident" ~~refers to~~ **means** incidents described in ~~[460 IAC 6-9-5](#)~~ **the DDRS policy manual.**

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-45](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 754; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 27. [460 IAC 6-3-51](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-3-51](#) "Service coordinator" defined**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 51. "Service coordinator" means a ~~service coordinator employed by the BDDS~~ **person providing services** under [IC 12-11-2.1](#).

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-51](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 754; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 28. [460 IAC 6-3-52.1](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-3-52.1](#) "Service planner" defined**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 52.1. "Service planner" means the worksheet approved by a BDDS service coordinator that outlines on a weekly basis: **typical week**

- (1) the services an individual is to receive. and
- (2) ~~the intensity of those services, including staffing levels, if applicable.~~

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-52.1](#); filed Aug 29, 2003, 10:30 a.m.: 27 IR 103; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 29. [460 IAC 6-3-53.1](#) IS ADDED TO READ AS FOLLOWS:

**[460 IAC 6-3-53.1](#) "State line item" defined**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 53.1. "State line item" means a funding source for services authorized by DDRS using one hundred percent (100%) state dollars obligated, within available resources, to support adult individuals who have been determined eligible for developmental disability services by BDDS when all other possible resources, including Medicaid, are unavailable.

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-53.1](#))

SECTION 30. [460 IAC 6-3-55.1](#) IS ADDED TO READ AS FOLLOWS:

**[460 IAC 6-3-55.1](#) "Supported living" defined**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 55.1. "Supported living" means an arrangement whereby an individual:

- (1) lives in a private community residence with additional individuals;
- (2) receives specialized supports and services; and
- (3) works toward goals of:
  - (A) living independently; and
  - (B) establishing personal control over their home and the assistance they require.

(Division of Disability and Rehabilitative Services; [460 IAC 6-3-55.1](#))

SECTION 31. [460 IAC 6-4-1](#) IS AMENDED TO READ AS FOLLOWS:

**Rule 4. Types of Services**

**[460 IAC 6-4-1](#) Types of services**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 1. ~~Supported living services and supports include the following:~~

- ~~(1) Adult day services.~~
- ~~(2) Adult foster care services.~~
- ~~(3) Behavioral support services.~~
- ~~(4) Case management services.~~
- ~~(5) Community-based sheltered employment services.~~
- ~~(6) Community education and therapeutic activity services.~~
- ~~(7) Community habilitation and participation services.~~

- ~~(8) Crisis assistance services.~~
- ~~(9) Enhanced dental services.~~
- ~~(10) Environmental modification supports.~~
- ~~(11) Facility-based sheltered employment services.~~
- ~~(12) Family and caregiver training services.~~
- ~~(13) Health care coordination services.~~
- ~~(14) Music therapy services.~~
- ~~(15) Nutritional counseling services.~~
- ~~(16) Occupational therapy services.~~
- ~~(17) Personal emergency response system supports.~~
- ~~(18) Physical therapy services.~~
- ~~(19) Prevocational services.~~
- ~~(20) Therapy services.~~
- ~~(21) Recreational therapy services.~~
- ~~(22) Rent and food for unrelated live-in caregiver supports.~~
- ~~(23) Residential habilitation and support services.~~
- ~~(24) Residential living allowance and management services.~~
- ~~(25) Respite care services.~~
- ~~(26) Specialized medical equipment and supplies supports.~~
- ~~(27) Speech-language therapy services.~~
- ~~(28) Supported employment services.~~
- ~~(29) Transportation services.~~
- ~~(30) Transportation supports.~~
- ~~(31) Applied behavior analysis services.~~
- ~~(32) Children's foster care services.~~
- ~~(33) Community transition supports.~~
- ~~(34) Independence assistance services.~~
- ~~(35) Person-centered planning facilitation services.~~

**The services governed by this rule are those services in the most recently approved developmentally disabled waiver, support services waiver, and autism waiver, as well as state funded services administered by DDRS and the DDRS policy manual.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-4-1](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 755; filed Aug 29, 2003, 10:30 a.m.: 27 IR 103; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 32. [460 IAC 6-4.5](#) IS ADDED TO READ AS FOLLOWS:

#### **Rule 4.5. Case Management**

##### **[460 IAC 6-4.5-1](#) Conflict of interest**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

**Sec. 1. (a) A case management services provider to an individual shall not provide any other Medicaid home and community based services waiver service to that particular individual.**

**(b) A case management services provider shall not employ case managers who are providing other services as described in this article to individuals receiving services funded by Medicaid waiver.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-4.5-1](#))*

SECTION 33. [460 IAC 6-6-1](#) IS AMENDED TO READ AS FOLLOWS:

##### **[460 IAC 6-6-1](#) Applicability**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 1. This rule applies to all ~~supported living services. and supports.~~

*(Division of Disability and Rehabilitative Services; [460 IAC 6-6-1](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 761; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 34. [460 IAC 6-6-2](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-6-2](#) Initial application for approval**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 2. To receive initial approval as a ~~supported living services or supports~~ provider, an applicant shall ~~submit the following for each supported living service or support for which the applicant is seeking to be an approved provider:~~ **adhere to the guidelines set forth in the DDRS policy manual.**

- ~~(1) An application on a form prescribed by the BDDS.~~
- ~~(2) Evidence that the provider meets the qualifications for each supported living service or support that the provider is seeking to be approved to provide as specified in this article.~~
- ~~(3) Supporting documents specified on the application form to demonstrate the applicant's programmatic, financial and managerial ability to provide supported living services or supports as set out in this article.~~
- ~~(4) A written and signed statement that the applicant will comply with the provisions of this article.~~
- ~~(5) A written and signed statement that the applicant will provide services to an individual as set out in the individual's CCB, ICLB, and ISP.~~

*(Division of Disability and Rehabilitative Services; [460 IAC 6-6-2](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 761; filed Aug 29, 2003, 10:30 a.m.: 27 IR 106; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 35. [460 IAC 6-6-5](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-6-5](#) Renewal of approval**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 4-21.5](#); [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 5. (a) A provider of ~~supported living services or supports~~ **approved under this article** shall file a written request for renewal of the ~~BDDS's DDRS's~~ **approval as outlined in the DDRS policy manual** at least ninety (90) days prior to expiration of the ~~BDDS's DDRS's~~ previous approval.

~~(b) Upon receiving a request for renewal of approved status, the BDDS shall determine whether a provider continues to meet the requirements of this article.~~

~~(c) The BDDS's determination on renewal of approval shall be based on verification that:~~

- ~~(1) the provider's operations have been surveyed either:~~
  - ~~(A) within the preceding twelve (12) months; or~~
  - ~~(B) as part of the renewal process; and~~
- ~~(2) there are no outstanding issues that seriously endanger the health or safety of an individual receiving services from the provider.~~

~~(d) In considering a request for the renewal of approval, the BDDS shall either:~~

- ~~(1) approve the applicant for a period not to exceed three (3) years; or~~
- ~~(2) deny approval to an applicant that does not meet the approval requirements of this article.~~

~~(e) The BDDS shall notify a provider in writing of the BDDS's determination at least thirty (30) days prior to the expiration of the provider's approval under this section.~~

(f) If a provider has complied with subsection (a) and if the BDDS does not act upon a provider's request for renewal of approved status before the expiration of the provider's approved status, the provider's approved status shall continue until such time as the BDDS acts upon the provider's request for renewal of approved status.

~~(g) If a provider is adversely affected or aggrieved by the BDDS's determination, the provider may request administrative review of the determination. The request shall be made in writing and filed with the director of the division within fifteen (15) days after the provider receives written notice of the determination. Administrative review shall be conducted pursuant to [IC 4-21-5](#).~~

*(Division of Disability and Rehabilitative Services; [460 IAC 6-6-5](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 762; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 36. [460 IAC 6-6-6](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-6-6](#) Application to provide additional services**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 6. (a) A provider seeking approval to provide an additional supported living service ~~or support~~ shall comply with section 2 of this rule.

(b) Approval to provide ~~an additional supported living services or supports~~ **service** shall be granted by the ~~BDDS~~ **DDRS** only if:

(1) the provider's operations have been ~~surveyed either:~~ **reviewed, including review of any surveys, complaints, and summaries of incident reports;**

~~(A) within the preceding twelve (12) months; or~~

~~(B) as part of the approval process to provide additional services; and~~

(2) there are no outstanding issues that seriously endanger the health ~~or safety~~ **and welfare** of an individual; **and**

(3) **there are no outstanding compliance issues with the FSSA, the OMPP, the Indiana state department of health, the department of state revenue, APS, child protective services, the Indiana secretary of state, or any other state or federal agency.**

(c) **Documentation confirming that the provider's policies and procedures continually comply with this article may be requested and used in the determination of approval to provide additional services.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-6-6](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 762; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 37. [460 IAC 6-7-2](#) IS AMENDED TO READ AS FOLLOWS:

**Rule 7. Monitoring; Administrative Review**

**[460 IAC 6-7-2](#) Monitoring**

**Authority:** [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 2. ~~(a) The BDDS~~ **DDRS** shall monitor compliance with the requirements of this article at the following times:

~~(1) At least annually.~~

**(1) During random surveys.**

~~(2) Upon receiving~~ **Following receipt of** a complaint or report alleging a provider's ~~noncompliance with~~ **breach of** the requirements of this article.

**(3) During review of the death of an individual.**

- (4) As otherwise directed by:  
(A) current DDRS policies; and  
(B) the director.

~~(b) The BDDS shall monitor compliance with the requirements of this article through any of the following means:~~

- ~~(1) Requesting and obtaining information from the provider.~~
- ~~(2) Site inspections.~~
- ~~(3) Meeting with an individual or the individual's legal representative as applicable.~~
- ~~(4) Review of provider records and the records of an individual.~~
- ~~(5) Follow up inspection as is reasonably necessary to determine compliance after the BDDS has requested a corrective action plan.~~

~~(c) After any site inspection, the BDDS shall issue a written report. The report shall:~~

- ~~(1) be prepared by the BDDS or its designee;~~
- ~~(2) document the findings made during monitoring;~~
- ~~(3) identify necessary corrective action;~~
- ~~(4) identify the time period in which a corrective action plan shall be submitted to the BDDS or its designee and the time period in which a corrective action plan is to be completely implemented by the provider;~~
- ~~(5) identify any documentation needed from the provider to support the provider's completion of the corrective action plan; and~~
- ~~(6) be submitted to the provider.~~

~~(d) A provider shall:~~

- ~~(1) submit a corrective plan of action to the BDDS or its designee within the time frame identified by the BDDS or its designee;~~
- ~~(2) complete and implement a corrective action plan to the reasonable satisfaction of the BDDS or its designee within the time period identified by the BDDS, or within such longer time period agreed to by the BDDS or its designee and the provider;~~
- ~~(3) notify the BDDS or its designee upon the completion of a corrective action plan; and~~
- ~~(4) provide the BDDS or its designee with any requested documentation.~~

~~(e) If a complaint is filed by a person other than an individual receiving services, BDDS or its designee shall notify the person filing the complaint of the following:~~

- ~~(1) The completion of the BDDS's monitoring as a result of the complaint.~~
- ~~(2) The completion of any corrective action by the provider as a result of the BDDS' monitoring of a provider.~~

*(Division of Disability and Rehabilitative Services; [460 IAC 6-7-2](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 763; filed Aug 29, 2003, 10:30 a.m.: 27 IR 107; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 38. [460 IAC 6-7-6](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-7-6](#) Administrative review**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 4-21.5](#); [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 6. (a) To qualify for administrative review of an action or determination of ~~the BDDS~~ **DDRS** under this rule, a provider shall file a written petition for review that does the following:

- (1) States facts demonstrating that the provider is:
  - (A) a provider to whom the action is specifically directed;
  - (B) aggrieved or adversely affected by the action; or
  - (C) entitled to review under any law.
- (2) Is filed with the director of ~~the division of disability, aging, and rehabilitative services~~ **DDRS** within fifteen (15) days after the provider receives notice of the agency action or determination.

(b) Administrative review shall be conducted in accordance with [IC 4-21.5](#).



(Division of Disability and Rehabilitative Services; [460 IAC 6-7-6](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 764; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 39. [460 IAC 6-8-2](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-8-2](#) Constitutional and statutory rights**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#); [IC 12-27](#)

Sec. 2. (a) A provider shall ensure that:

(1) an individual's rights as guaranteed by the Constitution of the United States and the Constitution of **the State of Indiana** are not infringed upon;

~~(b) A provider shall ensure that:~~

~~(4)~~ (2) an individual's rights as set out in [IC 12-27](#) are not infringed upon; and

~~(2)~~ (3) an individual ~~has the ability~~ **is provided the supports necessary** to exercise those rights as provided in [IC 12-27](#).

(Division of Disability and Rehabilitative Services; [460 IAC 6-8-2](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 764; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 40. [460 IAC 6-8-3](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-8-3](#) Promoting the exercise of rights**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 3. To protect an individual's rights and enable an individual to exercise the individual's rights, a provider shall do the following:

**(1) Protect the individual from harm.**

~~(4)~~ (2) Provide an individual with humane care. ~~and protection from harm.~~

~~(2)~~ (3) Provide services that:

(A) are meaningful and appropriate; and

(B) comply with:

(i) standards of professional practice;

(ii) guidelines established by accredited professional organizations, if applicable; and

~~(iii) budgetary constraints;~~

**(iii) the code of ethics described at [460 IAC 6-36](#) and [460 IAC 6-14-7](#).**

~~in a safe, secure, and supportive environment.~~

~~(3) Obtain written consent from an individual, or the individual's legal representative, if applicable, before releasing information from the individual's records unless the person requesting release of the records is authorized by law to receive the records without consent.~~

~~(4) Process and make decisions regarding complaints filed by an individual within two (2) weeks after the provider receives the complaint.~~

~~(5) Inform an individual, in writing and in the individual's usual mode of communication, of:~~

~~(A) the individual's constitutional and statutory rights using a form approved by the BDDS; and~~

~~(B) the complaint procedure established by the provider for processing complaints.~~

(Division of Disability and Rehabilitative Services; [460 IAC 6-8-3](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 765; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 41. [460 IAC 6-9-2](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-9-2](#) Policies and procedures to protect individuals**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 2. (a) A provider shall adopt written policies and procedures regarding the requirements of ~~sections 3 and 4 of this rule.~~ **the following:**

- (1) Section 3 of this rule.**
- (2) Section 4 of this rule.**
- (3) Section 5 of this rule.**

(b) A provider shall require the provider's:

- (1) owners;**
- (2) directors;**
- (3) officers;**
- (4) employees; or**
- (5) contractors;**
- (6) subcontractors; and**
- (7) agents;**

to be familiar with and comply with the policies and procedures required by subsection (a).

(c) Beginning on the date services for an individual commence and at ~~least~~ **minimum** one (1) time a year thereafter, a provider shall inform:

- (1) the individual, in writing and in the individual's usual mode of communication;
- (2) the individual's parent, if the individual is less than eighteen (18) years of age; ~~or if the individual's parent is the individual's legal representative;~~ and
- (3) the individual's legal representative, if applicable;

of the policies and procedures adopted ~~pursuant to~~ **under** this section.

*(Division of Disability and Rehabilitative Services; [460 IAC 6-9-2](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 765; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 42. [460 IAC 6-9-3](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-9-3](#) Protecting an individual's rights**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 3. (a) A ~~provider~~ **provider's owners, directors, officers, employees, contractors, subcontractors, and agents** shall not

- ~~(1) abuse, neglect, exploit, or mistreat an individual or~~ **otherwise**
- ~~(2) violate an individual's rights.~~

(b) A provider who delivers services through **owners, directors, officers, employees, contractors, subcontractors**, or agents shall adopt policies and procedures that prohibit:

- (1) abuse, neglect, exploitation, or mistreatment of an individual; or
- (2) violation of an individual's rights.

(c) Practices prohibited under this section ~~include the following:~~ **are described at [460 IAC 6-3-2](#), [460 IAC 6-3-24](#), and [460 IAC 6-3-36](#).**

~~(1) Corporal punishment inflicted by the application of painful stimuli to the body, which includes:~~

- ~~(A) forced physical activity;~~
- ~~(B) hitting;~~
- ~~(C) pinching;~~
- ~~(D) the application of painful or noxious stimuli;~~
- ~~(E) the use of electric shock; or~~
- ~~(F) the infliction of physical pain.~~

~~(2) Seclusion by placing an individual alone in a room or other area from which exit is prevented.~~

~~(3) Verbal abuse, including screaming, swearing, name calling, belittling, or other verbal activity that may cause damage to an individual's self-respect or dignity.~~

~~(4) A practice that denies an individual any of the following without a physician's order:~~

- (A) Sleep.
- (B) Shelter.
- (C) Food.
- (D) Drink.
- (E) Physical movement for prolonged periods of time.
- (F) Medical care or treatment.
- (G) Use of bathroom facilities.
- (5) Work or chores benefiting others without pay unless:
  - (A) the provider has obtained a certificate from the United States Department of Labor authorizing the employment of workers with a disability at special minimum wage rates;
  - (B) the services are being performed by an individual in the individual's own residence as a normal and customary part of housekeeping and maintenance duties; or
  - (C) an individual desires to perform volunteer work in the community.

(Division of Disability and Rehabilitative Services; [460 IAC 6-9-3](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 765; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 43. [460 IAC 6-9-4](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-9-4](#) System for protecting individuals**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 4. (a) ~~Except as specified in this section, this section applies to all providers of supported living services and supports.~~

(b) ~~A provider shall require that at regular intervals, as specified by the individual's ISP, the individual be informed of the following:~~

- ~~(1) The individual's medical condition.~~
- ~~(2) The individual's developmental and behavioral status.~~
- ~~(3) The risks of treatment.~~
- ~~(4) The individual's right to refuse treatment.~~

~~(c) Except for providers of:~~

- ~~(1) occupational therapy services;~~
- ~~(2) physical therapy services;~~
- ~~(3) music therapy services; and~~
- ~~(4) speech-language therapy services;~~

~~a provider shall establish a protocol for ensuring that an individual is free from unnecessary medications and physical restraints.~~

~~(d) Except for providers of:~~

- ~~(1) occupational therapy services;~~
- ~~(2) physical therapy services;~~
- ~~(3) music therapy services; and~~
- ~~(4) speech-language therapy services;~~

~~a provider shall establish a system to reduce an individual's dependence on medications and physical restraints.~~

~~(e) A provider shall establish a system to ensure that an individual has the opportunity for personal privacy.~~

~~(f) A provider shall establish a system to:~~

- ~~(1) ensure that an individual is not compelled to perform services for a provider; and~~
- ~~(2) provide that, if an individual works voluntarily for a provider, the individual is compensated:~~
  - ~~(A) at the prevailing wage for the job; and~~
  - ~~(B) commensurate with the individual's abilities;~~

~~unless the provisions of section 3(c)(5) of this rule are met.~~

(g) A provider shall establish a system that ensures that an individual has:

- (1) the opportunity to communicate, associate, and meet privately with persons of the individual's choosing;
- (2) the means to send and receive unopened mail; and
- (3) access to a telephone with privacy for incoming and outgoing local and long distance calls at the individual's expense.

(h) A provider shall establish a system for providing an individual with the opportunity to participate in social, religious, and community activities.

(i) A provider shall establish a system that ensures that an individual has the right to retain and use appropriate personal possessions and clothing.

(j) A provider shall establish a system for protecting an individual's funds and property from misuse or misappropriation.

(k) A provider shall establish a protocol specifying the responsibilities of the provider for:

- (1) conducting an investigation; or
- (2) participating in an investigation;

of an alleged violation of an individual's rights or a reportable incident. The system shall include taking all immediate necessary steps to protect an individual who has been the victim of abuse, neglect, exploitation, or mistreatment from further abuse, neglect, exploitation, or mistreatment.

(l) A provider shall establish a system providing for:

- (1) administrative action against;
- (2) disciplinary action against; and
- (3) dismissal of;

an employee or agent of the provider, if the employee or agent is involved in the abuse, neglect, exploitation, or mistreatment of an individual or a violation of an individual's rights.

(m) A provider shall establish a written procedure for employees or agents of the provider to report violations of the provider's policies and procedures to the provider.

(n) A provider shall establish a written procedure for the provider or for an employee or agent of the provider for informing:

- (1) adult protective services or child protection services, as applicable;
- (2) an individual's legal representative, if applicable;
- (3) any person designated by the individual; and
- (4) the provider of case management services to the individual;

of a situation involving the abuse, neglect, exploitation, mistreatment of an individual, or the violation of an individual's rights.

(o) A provider shall establish a written protocol for reporting reportable incidents to the BDDS as required by section 5 of this rule.

**(a) A provider providing services under this article must:**

- (1) commit to writing;**
- (2) implement; and**
- (3) demonstrate;**

**an effective system of protecting an individual and complying with all applicable rules related to the service being rendered.**

**(b) The effective system of protection and compliance identified in subsection (a) shall adhere to the DDRS policy manual.**

*(Division of Disability and Rehabilitative Services; 460 IAC 6-9-4; filed Nov 4, 2002, 12:04 p.m.: 26 IR 766; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 44. [460 IAC 6-9-5](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-9-5](#) Incident reporting**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 5. (a) An incident described as follows shall be reported to the BDDS on the incident report form prescribed by the BDDS:

- (1) Alleged, suspected, or actual abuse, neglect, or exploitation of an individual. An incident in this category shall also be reported to adult protective services or child protection services as applicable. The provider shall suspend staff involved in an incident from duty pending investigation by the provider.
- (2) Death of an individual. A death shall also be reported to adult protective services or child protection services as applicable. A death shall also be reported to the BDDS's central office in Indianapolis not later than twenty-four (24) hours after the death.
- (3) A service delivery site that compromises the health and safety of an individual while the individual is receiving services from the following causes:
  - (A) A significant interruption of a major utility, such as electricity, heat, water, air conditioning, plumbing, fire alarm, or sprinkler system.
  - (B) Environmental or structural problems associated with a habitable site that compromise the health and safety of an individual, including:
    - (i) inappropriate sanitation;
    - (ii) serious lack of cleanliness;
    - (iii) rodent or insect infestation;
    - (iv) structural damage; or
    - (v) damage caused by flooding, tornado, or other acts of nature.
- (4) Fire resulting in relocation, personal injury, property loss, or other health and safety concerns to or for an individual receiving services.
- (5) Elopement of an individual.
- (6) Suspected or actual criminal activity by:
  - (A) a staff member, employee, or agent of a provider; or
  - (B) an individual receiving services.
- (7) An event with the potential for causing significant harm or injury and requiring medical or psychiatric treatments or services to or for an individual receiving services.
- (8) Admission of an individual to a nursing facility, including respite stays.
- (9) Injury to an individual when the origin or cause of the injury is unknown.
- (10) A significant injury to an individual, including:
  - (A) a fracture;
  - (B) a burn greater than first degree;
  - (C) choking that requires intervention; or
  - (D) contusions or lacerations.
- (11) An injury that occurs while an individual is restrained.
- (12) A medication error, except for refusal to take medications, that jeopardizes an individual's health and safety, as determined by the individual's personal physician, including the following:
  - (A) Medication given that was not prescribed or ordered for the individual.
  - (B) Failure to administer medication as prescribed, including:
    - (i) incorrect dosage;
    - (ii) missed medication; and
    - (iii) failure to give medication at the appropriate time.
- (13) Inadequate staff support for an individual, including inadequate supervision, with the potential for:
  - (A) significant harm or injury to an individual; or
  - (B) death of an individual.
- (14) Inadequate medical support for an individual, including failure to obtain:
  - (A) necessary medical services;
  - (B) routine dental or physician services; or
  - (C) medication timely resulting in missed medications.
- (15) Use of any PRN medication related to an individual's behavior. An incident report related to the use of PRN medication related to an individual's behavior must include the following information:
  - (A) The length of time of the individual's behavior that resulted in the use of the PRN medication related to

the individual's behavior.

(B) A description of what precipitated the behavior resulting in the use of PRN medication related to the individual's behavior.

(C) A description of the steps that were taken prior to the use of the PRN medication to avoid the use of a PRN medication related to the individual's behavior.

(D) If a PRN medication was used before a medical or dental appointment, a description of the desensitization plan in place to lessen the need for a PRN medication for a medical or dental appointment.

(E) The criteria the provider has in place for use of a PRN medication related to an individual's behavior.

(F) A description of the provider's PRN medication protocol related to an individual's behavior, including the provider's:

(i) notification process regarding the use of a PRN medication related to an individual's behavior; and

(ii) approval process for the use of a PRN medication related to an individual's behavior.

(G) The name and title of the staff approving the use of the PRN medication related to the individual's behavior.

(H) The medication and dosage that was approved for the PRN medication related to the individual's behavior.

(I) The date and time of any previous PRN medication given to the individual related to the individual's behavior based on current records.

(b) An incident described in subsection (a) shall be reported by a provider or an employee or agent of a provider who:

(1) is providing services to the individual at the time of the incident; or

(2) becomes aware of or receives information about an alleged incident.

(c) An initial report regarding an incident shall be submitted within twenty-four (24) hours of:

(1) the occurrence of the incident; or

(2) the reporter becoming aware of or receiving information about an incident.

(d) The provider providing case management services to an individual shall submit a follow-up report concerning the incident on the BDDS's follow-up incident report form at the following times:

(1) Within seven (7) days of the date of the initial report.

(2) Every seven (7) days thereafter until the incident is resolved.

(e) All information required to be submitted to the BDDS shall also be submitted to the provider of case management services to the individual.

**All incidents must be reported using the process and form, by a person or entity, prescribed in the DDRS policy manual.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-9-5](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 767; filed Aug 29, 2003, 10:30 a.m.: 27 IR 108; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 45. [460 IAC 6-9-6](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-9-6](#) Change of provider**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 6. (a) If an individual changes providers for any supported living service or support, the new provider shall:

(1) discuss with the individual the new provider's need to obtain a copy of the previous provider's records and files concerning the individual;

(2) provide the individual with a written form used to authorize the previous provider's release of a copy of the records and files concerning the individual to the new provider; and

(3) request the individual to sign the release form.



(b) Upon receipt of a written release signed by the individual, a provider shall forward a copy of all of the individual's records and files to the new provider no later than seven (7) days after receipt of the written release signed by the individual.

**When an individual is transitioning from one (1) service provider to an alternate service provider, providers shall comply with the process outlined in the DDRS policy manual.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-9-6](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 768; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 46. [460 IAC 6-9-7](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-9-7](#) Notice of termination of services**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 7. (a) A provider shall give an individual, ~~and an the individual's representative~~ **individualized support team, and DDRS** at least **minimum** sixty (60) days written notice before terminating the individual's services if the services being provided to the individual are of an ongoing nature, **as defined in the DDRS policy manual.**

(b) If The provider is **shall continue** providing any services to the individual ~~besides case management services, before terminating services the provider shall:~~ **until a new provider providing similar services is in place.**

- ~~(1) participate in the development of a new or updated ISP prior to terminating services; and~~
- ~~(2) continue providing services to the individual until a new provider providing similar services is in place.~~

~~(c) If the provider is providing case management services to the individual, before terminating services the provider shall:~~

- ~~(1) participate in a team meeting in which the individual's new provider providing case management provider is present; and~~
- ~~(2) coordinate the transfer of case management services to the new provider providing case management services.~~

*(Division of Disability and Rehabilitative Services; [460 IAC 6-9-7](#); filed Aug 29, 2003, 10:30 a.m.: 27 IR 109; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 47. [460 IAC 6-9-8](#) IS ADDED TO READ AS FOLLOWS:

**[460 IAC 6-9-8](#) Transition monitoring**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

**Sec. 8. All providers shall comply with the following:**

- (1) All DDRS requests for corrective actions within DDRS identified time frames.**
- (2) All additional responsibilities outlined in the DDRS policy manual addressing pretransition and post transition monitoring.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-9-8](#))*

SECTION 48. [460 IAC 6-10-2](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-10-2](#) Documentation of approvals**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 2. A provider shall maintain documentation that the ~~BDDS~~ **DDRS** has approved the provider for each service provided.

(Division of Disability and Rehabilitative Services; [460 IAC 6-10-2](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 768; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 49. [460 IAC 6-10-3](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-10-3](#) Compliance with laws**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 3. A provider shall comply with all applicable state and federal statutes, rules, regulations, and requirements. ~~including all applicable provisions of the federal Americans with Disabilities Act (ADA), 42 U.S.C. 12001 et seq.~~

(Division of Disability and Rehabilitative Services; [460 IAC 6-10-3](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 768; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 50. [460 IAC 6-10-5](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-10-5](#) Documentation of criminal histories**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 5. (a) ~~A provider shall obtain a limited criminal history from the Indiana central repository for criminal history information from each employee, officer, or agent involved in the management, administration, or provision of services.~~

~~(b) The limited criminal history shall verify that the employee, officer, or agent has not been convicted of the following:~~

~~(1) A sex crime ([IC 35-42-4](#)).~~

~~(2) Exploitation of an endangered adult ([IC 35-46-1-12](#)).~~

~~(3) Failure to report:~~

~~(A) battery, neglect, or exploitation of an endangered adult ([IC 35-46-1-13](#)); or~~

~~(B) abuse or neglect of a child ([IC 31-33-22-1](#)).~~

~~(4) Theft ([IC 35-43-4](#)), if the person's conviction for theft occurred less than ten (10) years before the person's employment application date, except as provided in [IC 16-27-2-5\(a\)\(5\)](#).~~

~~(5) Murder ([IC 35-42-1-1](#)).~~

~~(6) Voluntary manslaughter ([IC 35-42-1-3](#)).~~

~~(7) Involuntary manslaughter ([IC 35-42-1-4](#)).~~

~~(8) Felony battery.~~

~~(9) A felony offense relating to a controlled substance.~~

~~(c) A provider shall also obtain a criminal history check from each county in which an employee, officer, or agent involved in the management, administration, or provision of services has resided during the three (3) years before the criminal history check is requested from the county.~~

~~(d) A provider shall have a report from the state nurse aid registry of the Indiana state department of health verifying that each direct care staff has not had a finding entered into the state nurse aide registry.~~

**Prior to any:**

**(1) owner;**

- (2) director;
- (3) officer;
- (4) employee;
- (5) contractor;
- (6) subcontractor; or
- (7) agent;

performing any management, administrative, direct service to an individual, or other work on behalf of a provider company, the provider shall obtain and retain as part of the personal history for each proposed owner, director, officer, employee, contractor, subcontractor, or agent, findings as outlined in the DDRS policy manual.

*(Division of Disability and Rehabilitative Services; [460 IAC 6-10-5](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 768; filed Aug 29, 2003, 10:30 a.m.: 27 IR 110; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 51. [460 IAC 6-10-5.1](#) IS ADDED TO READ AS FOLLOWS:

**[460 IAC 6-10-5.1](#) Prohibited offenses and residency status**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

**Sec. 5.1. (a) Prohibited offenses include offenses identified in DDRS policy manual.**

**(b) People convicted of prohibited offenses as described in this rule shall not hold any positions performing any management, administrative, or direct service to an individual on behalf of a provider company as outlined in the DDRS policy manual.**

**(c) People who do not have verified United States residency status shall not hold any position listed in subsection (b) with a provider.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-10-5.1](#))*

SECTION 52. [460 IAC 6-10-7](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-10-7](#) Collaboration**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

**Sec. 7. (a) A provider for an individual shall collaborate with the individual's other service providers **and the individualized support team** to provide services to the individual consistent with the individual's ISP.**

**(b) A provider for an individual shall give the individual's ~~provider of case management services~~ **case manager, OMPP, and DDRS, or its designee**, access to the provider's quality assurance and quality improvement procedures.**

~~(c) If a provider administers medication to an individual, the provider for the individual shall implement the medication administration system designed by the individual's provider responsible for medication administration.~~

~~(d) If applicable, a provider for an individual shall implement the seizure management system designed by the individual's provider responsible for seizure management.~~

~~(e) If applicable, a provider for an individual shall implement the health-related incident management system designed by the individual's provider responsible for health-related incident management.~~

~~(f) If applicable, a provider for an individual shall implement the behavioral support plan designed by the~~

individual's provider of behavioral support services.

(g) If an individual dies, a provider shall cooperate with the provider responsible for conducting an investigation into the individual's death pursuant to [460 IAC 6-25-9](#).

(Division of Disability and Rehabilitative Services; [460 IAC 6-10-7](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 769; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 53. [460 IAC 6-10-8](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-10-8](#) Resolution of disputes**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 4-21.5](#); [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 8. (a) If a dispute arises between or among providers **individual members of the individualized support team**, the **following** dispute resolution process set out in this section shall be implemented:

(b) **(1)** The resolution of a dispute shall be designed to address an individual's needs **above the needs of any individualized support team member**.

(c) **(2)** The parties to the dispute shall attempt to resolve the dispute informally through an exchange of information and possible resolution.

(d) **(3)** If the parties are not able to resolve the dispute within fifteen (15) days:

(A) **(A)** each party shall document:

(B) **(i)** the issues in the dispute;

(C) **(ii)** their positions; and

(D) **(iii)** their efforts to resolve the dispute; and

(E) **(B)** the parties shall **request in writing** to the individual's support team for resolution. **case manager an individualized support team meeting for the purpose of resolution of the dispute.**

(f) **(4)** The parties shall abide by the decision of the individual's **individualized** support team.

(g) **(5)** If an individual's **the individualized** support team cannot resolve the matter within fifteen (15) days after the dispute is referred to the individual's support team **date of the individualized support team meeting**, then the parties shall refer the matter **in writing** to the individual's service coordinator **case manager** for resolution of the dispute.

(h) **(6)** The service coordinator **individual's case manager** shall make a decision within fifteen (15) days after the dispute is referred to the service coordinator **individual's case manager** and give the parties notice of the service coordinator's **individual's case manager's** decision pursuant to [under IC 4-21.5](#).

**(7) Any party adversely affected or aggrieved by the individual's case manager's decision may request a review of the decision by the BDDS service coordinator within fifteen (15) days after the party receives written notice of the decision.**

(i) **(8)** Any party adversely affected or aggrieved by the service coordinator's decision may request administrative review of the service coordinator's decision within fifteen (15) days after the party receives written notice of the service coordinator's decision.

(j) **(9)** Administrative review shall be conducted pursuant to [under IC 4-21.5](#).

(Division of Disability and Rehabilitative Services; [460 IAC 6-10-8](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 769; filed Aug 29, 2003, 10:30 a.m.: 27 IR 110; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 54. [460 IAC 6-10-10](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-10-10](#) Quality assurance and quality improvement system**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 10. (a) A provider shall have an internal quality assurance and quality improvement system that is:

(1) focused on the individual; and

(2) appropriate for the services being provided; and

**(3) described, in whole, in a single, written policy or procedure.**

(b) The system described in subsection (a) shall include at least **minimum** the following elements:

(1) An annual survey of individual satisfaction.

(2) ~~Records~~ **An updated record** of the findings of the annual individual satisfaction surveys.

(3) Documentation of efforts to improve service delivery in response to the survey of individual satisfaction.

(4) An assessment of the appropriateness and effectiveness of each ~~service provided to an individual.~~  
**outcome included in the individual's ISP.**

(5) A process for:

**(A) reporting reportable incidents;**

~~(A)~~ **(B) analyzing data concerning associated with** reportable incidents;

~~(B)~~ **(C) developing recommendations to reduce and implementing a risk reduction plan to minimize the risk of potential for** future incidents; and  
~~(C) reviewing recommendations~~ **(D) monthly review of the risk reduction plan** to assess their **progress and effectiveness.**

(6) If medication is administered to an individual by a provider, a process for:

~~(A) analyzing~~ **identifying all** medication errors;

**(B) analyzing all medication errors and the persons responsible for them;**

~~(B)~~ **(C) developing recommendations to reduce the and implementing a risk of reduction plan to mitigate and eliminate** future medication errors; and  
~~(C) reviewing the recommendations~~ **(D) a monthly review of the risk reduction plan** to assess their **progress and effectiveness.**

(7) If behavioral support services are provided by a provider, a process for:

**(A) tracking targeted behaviors;**

~~(A)~~ **(B) analyzing the appropriateness and effectiveness of targeted behavior data and** behavioral support techniques used for an **health of the** individual;

~~(B)~~ **(C) developing recommendations concerning the and implementing proactive and reactive strategies to improve the** behavioral support techniques used with an **health of the** individual; and

~~(C)~~ **(D) reviewing the recommendations proactive and reactive strategies** to assess their **progress and effectiveness; and**

**(E) training staff behavioral supports.**

~~(8) If community habilitation and participation services or residential habilitation and support services are provided by the provider, a process for:~~

~~(A) analyzing the appropriateness and effectiveness of the instructional techniques used with an individual;~~

~~(B) developing recommendations concerning the instructional techniques used for an individual; and~~

~~(C) reviewing the recommendations to assess their effectiveness.~~

**(8) Available for review by DDRS.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-10-10](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 769; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 55. [460 IAC 6-10-11](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-10-11](#) Prohibition against office in residence of individual**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 11. A provider shall not:

(1) ~~maintain an office in an individual's residence from which the individual is excluded from entering or use~~  
**any area of an individual's home for a provider office, prohibiting the individual from using access to the space and** any ~~or all~~ equipment **or furniture** contained in the ~~office; space; or~~

(2) conduct the provider's business operations not related to services to the individual in the individual's residence.

*(Division of Disability and Rehabilitative Services; [460 IAC 6-10-11](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 770; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 56. [460 IAC 6-10-12](#) IS AMENDED TO READ AS FOLLOWS:

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**460 IAC 6-10-12 Human rights committee**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 12. Beginning July 1, 2004, a provider shall cooperate with the division's or the BDDS's regional human rights committee for the geographic area or areas in which the provider is providing services under this article. An HRC shall:

- (1) be authorized by:
  - (A) the executive director or board of directors of the provider company establishing the committee; or
  - (B) the director or designee for DDRS established HRCs;
- (2) include a chairperson who:
  - (A) is not:
    - (i) an owner;
    - (ii) a director;
    - (iii) an officer;
    - (iv) an employee;
    - (v) a contractor;
    - (vi) a subcontractor; or
    - (vii) an agent;
  - of a BDDS approved provider entity authorizing the committee; and
  - (B) is responsible for coordinating the committee's functions;
- (3) have a written policy defining the committee's functions, including review of:
  - (A) the use of restrictive interventions with an individual; and
  - (B) other human rights issues for individuals;
- (4) consist of, in addition to the chairperson:
  - (A) at least one (1) person who meets behavioral support services provider qualifications per the most recently approved developmentally disabled waiver;
  - (B) at least one (1) person with one (1) or more years of work experience in the field of developmental disabilities who is a:
    - (i) physician;
    - (ii) licensed nurse; or
    - (iii) person who holds at minimum a bachelor's degree in:
      - (AA) occupational therapy;
      - (BB) physical therapy;
      - (CC) speech-language pathology;
      - (DD) sociology;
      - (EE) special education;
      - (FF) rehabilitation;
      - (GG) psychology; or
      - (HH) another related human services field; and
  - (C) at least one (1) person with a developmental disability;
- (5) require participation of a minimum of three (3) members for any meeting during which decisions involving individual entitlements or rights are made; and
- (6) disallow participation in committee deliberation and decision making by members of the individualized support team of the individual whose entitlements or rights are being addressed.

*(Division of Disability and Rehabilitative Services; [460 IAC 6-10-12](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 770; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 57. [460 IAC 6-11-2](#) IS AMENDED TO READ AS FOLLOWS:

**460 IAC 6-11-2 Financial requirements**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 2. (a) A provider shall maintain and, upon the BDDS's request, shall make available to the BDDS the



following **financial** information: concerning the provider:

- (1) Financial status.
- (2) Current expenses and revenues.
- (3) Projected budgets outlining future operations.
- (4) Credit history and the ability to obtain credit.
- (1) A statement of financial activities/income statement.**
- (2) A statement of financial position/balance sheet.**
- (3) Evidence of credit availability in the name of the provider company.**

(b) A provider shall maintain financial records in accordance with generally accepted accounting and bookkeeping practices. **make the statements identified in subsection (a) available to the FSSA upon request.**

(c) The financial status of A provider shall be audited according to state board of accounts requirements and procedures. **financially stable, with the documented ability to deliver services without interruption for at minimum two (2) months without payment for services.**

(Division of Disability and Rehabilitative Services; [460 IAC 6-11-2](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 770; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 58. [460 IAC 6-12-2](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-12-2 Insurance](#)**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 2. A provider shall secure **and keep in force** insurance ~~to cover~~: **coverage covering the provider for any and all claims of any nature which may in any manner arise out of or result from the provider's services to an individual as outlined in the DDRS policy manual.**

- (1) personal injury;
- (2) loss of life; or
- (3) property damage;

to an individual caused by fire, accident, or other casualty arising from the provision of services to the individual by the provider.

(Division of Disability and Rehabilitative Services; [460 IAC 6-12-2](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 771; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 59. [460 IAC 6-14-3](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-14-3 Documentation of qualifications](#)**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 3. A provider shall maintain documentation that:

- (1) the provider meets the requirements for providing services under this article; and
- (2) the provider's:
  - (A) owners;**
  - (B) directors;**
  - (C) officers;**
  - (D) employees;**
  - (E) contractors;**
  - (F) subcontractors;** or
  - (G) agents;**

meet the requirements for providing services under this article.

(Division of Disability and Rehabilitative Services; [460 IAC 6-14-3](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 771; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 60. [460 IAC 6-14-4](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-14-4](#) Training for all provider staff**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 4. (a) A provider shall train the provider's **and its owners, directors, officers, employees, contractors, subcontractors, or agents providing management, administrative, or direct services to an individual on behalf of a provider shall receive training** in the protection of an individual's rights including how to: **as outlined in the DDRS policy manual.**

- (1) ~~respect the dignity of an individual;~~
- (2) ~~protect an individual from abuse, neglect, and exploitation;~~
- (3) ~~implement person-centered planning and an individual's ISP; and~~
- (4) ~~communicate successfully with an individual.~~

(b) ~~A provider that develops training outcomes and objectives for an individual shall train the provider's employees or agents in:~~

- (1) ~~selecting specific objectives;~~
- (2) ~~completing task analysis;~~
- (3) ~~appropriate locations for instruction; and~~
- (4) ~~appropriate documentation of an individual's progress on outcomes and objectives.~~

(c) ~~A provider shall train direct care staff in providing a healthy and safe environment for an individual, including how to:~~

- (1) ~~administer medication, monitor side effects, and recognize and prevent dangerous medication interactions;~~
- (2) ~~administer first aid;~~
- (3) ~~administer cardiopulmonary resuscitation;~~
- (4) ~~practice infection control;~~
- (5) ~~practice universal precautions;~~
- (6) ~~manage individual-specific treatments and interventions, including management of an individual's:~~
  - (A) ~~seizures;~~
  - (B) ~~behavior;~~
  - (C) ~~medication side effects;~~
  - (D) ~~diet and nutrition;~~
  - (E) ~~swallowing difficulties;~~
  - (F) ~~emotional and physical crises; and~~
  - (G) ~~significant health concerns; and~~
- (7) ~~conduct and participate in emergency drills and evacuations.~~

(d) ~~Applicable training as required in this section shall be completed prior to any person working with an individual.~~

(Division of Disability and Rehabilitative Services; [460 IAC 6-14-4](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 771; filed Aug 29, 2003, 10:30 a.m.: 27 IR 111; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 61. [460 IAC 6-14-5](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-14-5](#) Requirements for direct support professional staff**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 5. All direct care **support professional** staff working with individuals shall meet the following requirements:

- (1) Be at least eighteen (18) years of age.
- (2) Demonstrate the ability to communicate adequately in order to:
  - (A) complete required forms and reports of ~~visits~~; and **services provided**;
  - (B) follow oral or written instructions; and
  - (C) **communicate with an individual in the individual's mode of communication.**
- ~~(3) Demonstrate the ability to provide services according to the individual's ISP.~~
- (3) Complete training as referenced in section 14 of this rule and as outlined in the DDRS policy manual.**
- ~~(4) Demonstrate willingness to accept supervision.~~ **continuous competency as outlined in the DDRS policy manual.**
- ~~(5) Demonstrate an interest in and empathy for individuals.~~

(Division of Disability and Rehabilitative Services; [460 IAC 6-14-5](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 772; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 62. [460 IAC 6-14-7](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-14-7](#) Policies and procedures for code of ethics**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 7. A provider shall:

- (1) develop;
- (2) **distribute to its owners, directors, officers, employees, contractors, subcontractors, or agents providing any management, administrative, or direct services to an individual on behalf of a provider;** and
- (3) ~~enforce policies and procedures~~ **a policy and procedure** regarding a code of ethics for **its owners, directors, officers, employees, contractors, subcontractors, and agents** and employees. ~~The policies and procedures shall be consistent with [460 IAC 6-36](#).~~ **providing any management, administrative, or direct services to an individual or on behalf of a provider.**

(Division of Disability and Rehabilitative Services; [460 IAC 6-14-7](#); filed Apr 16, 2004, 10:00 a.m.: 27 IR 2724; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 63. [460 IAC 6-15-2](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-15-2](#) Maintenance of personnel information**

Authority: [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

Affected: [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 2. ~~(a) A provider shall maintain in the provider's office files for each employee or agent of the provider.~~ **personnel information that shall include the items outlined in the DDRS policy manual for each:**

- (A) owner;
- (B) director;
- (C) officer;
- (D) employee;
- (E) contractor;
- (F) subcontractor; or
- (G) agent;

**of the provider in the provider's office identified in the provider agreement.**

~~(b) The provider's files for each employee, or agent shall contain the following:~~

- ~~(1) A negative tuberculosis screening prior to providing services and updated in accordance with recommendations of Centers for Disease Control.~~

- ~~(2) Cardiopulmonary resuscitation certification and recertification, updated every two (2) years, for each employee or agent who works with individuals.~~
- ~~(3) Auto insurance information, updated when it is due to expire, if the employee or agent will be transporting an individual in the employee's or agent's personal vehicle.~~
- ~~(4) Limited criminal history information that meets the requirements of [460 IAC 6-10-5](#) with the information updated at least every three (3) years.~~
- ~~(5) Professional licensure, certification, or registration, including renewals, as applicable.~~
- ~~(6) A copy of the employee's or agent's driver's license, updated when the driver's license is due to expire.~~
- ~~(7) Copies of:~~
  - ~~(A) the employee's time records; or~~
  - ~~(B) the agent's invoices for services.~~
- ~~(8) Copies of the agenda for each training session attended by the employee or agent, including the following:~~
  - ~~(A) Subject matter included in each training session.~~
  - ~~(B) The date and time of each training session.~~
  - ~~(C) The name of the person or persons conducting each training session.~~
  - ~~(D) Documentation of the employee's or agent's attendance at each training session, signed by:~~
    - ~~(i) the employee or agent; and~~
    - ~~(ii) the trainer.~~

*(Division of Disability and Rehabilitative Services; [460 IAC 6-15-2](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 772; filed Apr 16, 2004, 10:00 a.m.: 27 IR 2724; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 64. [460 IAC 6-16-1](#) IS AMENDED TO READ AS FOLLOWS:

#### **[460 IAC 6-16-1](#) Applicability**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 1. ~~(a)~~ This rule applies to a provider who uses:

- (1) owners;**
- (2) directors;**
- (3) officers;**
- (4) employees;**
- (5) contractors;**
- (6) subcontractors;** or
- (7) agents;**

to provide services.

~~(b) This rule applies to all supported living services and supports.~~

*(Division of Disability and Rehabilitative Services; [460 IAC 6-16-1](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 772; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 65. [460 IAC 6-16-2](#) IS AMENDED TO READ AS FOLLOWS:

#### **[460 IAC 6-16-2](#) Adoption of personnel policies**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 2. ~~(a)~~ A provider shall:

- (1) adopt and maintain a written personnel policy that shall include the items outlined in the DDRS policy manual;**
- (2) review and update the personnel policy as appropriate; and**
- (3) distribute the personnel policy to each:**
  - (A) owner;**
  - (B) director;**

- (C) officer;
- (D) employee;
- (E) contractor;
- (F) subcontractor; or
- (G) agent.

~~(b) The written personnel policy required by subsection (a) shall include at least the following:~~

~~(1) A job description for each position, including the following:~~

- ~~(A) Minimum qualifications for the position.~~
- ~~(B) Major duties required of the position.~~
- ~~(C) Responsibilities of the employee in the position.~~
- ~~(D) The name and title of the supervisor to whom the employee in the position must report.~~

~~(2) A procedure for conducting reference, employment, and criminal background checks on each prospective employee or agent.~~

~~(3) A prohibition against employing or contracting with a person convicted of the offenses listed in [460 IAC 6-10-5](#).~~

~~(4) A process for evaluating the job performance of each employee or agent at the end of the training period and annually thereafter, including a process for feedback from individuals receiving services from the employee or agent.~~

~~(5) Disciplinary procedures.~~

~~(6) A description of grounds for disciplinary action against or dismissal of an employee or agent.~~

~~(7) A description of the rights and responsibilities of employees or agents, including the responsibilities of administrators and supervisors.~~

*(Division of Disability and Rehabilitative Services; [460 IAC 6-16-2](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 772; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 66. [460 IAC 6-16-4](#) IS AMENDED TO READ AS FOLLOWS:

#### **[460 IAC 6-16-4](#) Operations manual**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 4. (a) A provider shall compile the written policies and procedures required by ~~sections 1 and~~ **section 2** of this rule into a written operations manual.

(b) The operations manual shall be ~~regularly updated~~ **reviewed** and revised **at minimum annually**.

(c) Upon the request of ~~the BDDS, DDRS~~, the provider shall:

- (1) supply a copy of the operations manual to ~~the BDDS DDRS~~ or other state agency at no cost; and
- (2) make the operations manual available to ~~the BDDS DDRS~~ or other state agency for inspection at the offices of the provider.

*(Division of Disability and Rehabilitative Services; [460 IAC 6-16-4](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 773; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 67. [460 IAC 6-17-2](#) IS AMENDED TO READ AS FOLLOWS:

#### **[460 IAC 6-17-2](#) Maintenance of records of services provided**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 2. ~~(a) This section applies to all providers.~~

~~(b) A provider shall maintain in the provider's office documentation of all services provided to an individual.~~

(a) A provider shall maintain in the provider's office documentation of all services provided to an individual.

(e) (b) Documentation related to an individual required by this article shall be maintained by the provider for at least seven (7) consecutive years **from the most recent date of service**.

(d) (c) A provider shall analyze and update the documentation required by **the**:

- (1) ~~the~~ standards under this article applicable to the services the provider is providing to an individual;
- (2) ~~the~~ professional standards applicable to the provider's profession; and
- (3) ~~the~~ individual's ISP.

(e) (d) A provider shall analyze and update the documentation ~~at least every ninety (90) days if:~~ **as currently required by the DDRS policy manual.**

- (1) ~~the standards under this article do not provide a standard for analyzing and updating documentation;~~
- (2) ~~the professional standards applicable to the provider's profession do not provide a standard; or~~
- (3) ~~a standard is not set out in the individual's ISP.~~

(Division of Disability and Rehabilitative Services; [460 IAC 6-17-2](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 774; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 68. [460 IAC 6-17-3](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-17-3](#) Individual's personal information; site of service delivery**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 3. (a) ~~A~~ **The** provider specified in the individual's ISP as being responsible for maintaining the individual's personal file **information** shall maintain a personal file **information** for the individual at: **as outlined in the DDRS policy manual.**

- (1) ~~the individual's residence; or~~
- (2) ~~the primary location where the individual receives services.~~

(b) ~~The individual's personal file shall contain at least the following information:~~

- (1) ~~The individual's full name.~~
- (2) ~~Telephone numbers for emergency services that may be required by the individual.~~
- (3) ~~A current sheet with a brief summary regarding:~~
  - (A) ~~the individual's diagnosis or diagnoses;~~
  - (B) ~~the individual's treatment protocols, current medications, and other health information specified by the individual's ISP;~~
  - (C) ~~behavioral information about the individual;~~
  - (D) ~~likes and dislikes of the individual that have been identified in the individual's ISP; and~~
  - (E) ~~other information relevant to working with the individual.~~
- (4) ~~The individual's history of allergies, if applicable.~~
- (5) ~~Consent by the individual or the individual's legal representative for emergency treatment for the individual.~~
- (6) ~~A photograph of the individual, if:~~
  - (A) ~~a photograph is available; and~~
  - (B) ~~inclusion of a photograph in the individual's file is specified by the individual's ISP.~~
- (7) ~~A copy of the individual's current ISP.~~
- (8) ~~A copy of the individual's behavioral support plan, if applicable.~~
- (9) ~~Documentation of:~~
  - (A) ~~changes in the individual's physical condition or mental status during the last sixty (60) days;~~
  - (B) ~~an unusual event such as vomiting, choking, falling, disorientation or confusion, behavioral problems, or seizures occurring during the last sixty (60) days; and~~
  - (C) ~~the response of each provider to the observed change or unusual event.~~
- (10) ~~If an individual's outcomes include bill paying and other financial matters, the individual's file shall contain:~~
  - (A) ~~the individual's checkbook with clear documentation that the checkbook has been balanced; and~~



- ~~(B) bank statements with clear documentation that the bank statements and the individual's checkbook have been reconciled.~~
- ~~(11) All environmental assessments conducted during the last sixty (60) days, with the signature of the person or persons conducting the assessment on the assessment.~~
- ~~(12) All medication administration documentation for the last sixty (60) days.~~
- ~~(13) All seizure management documentation for the last sixty (60) days.~~
- ~~(14) Health related incident management documentation for the last sixty (60) days.~~
- ~~(15) All nutritional counseling services documentation for the last sixty (60) days.~~
- ~~(16) All behavioral support services documentation for the last sixty (60) days.~~
- ~~(17) All outcome directed documentation for the last sixty (60) days.~~

*(Division of Disability and Rehabilitative Services; [460 IAC 6-17-3](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 774; filed Aug 29, 2003, 10:30 a.m.: 27 IR 111; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 69. [460 IAC 6-17-4](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-17-4](#) Individual's personal information; provider's office**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 4. (a) A provider specified in the individual's ISP as being responsible for maintaining the individual's personal file **information** shall maintain a **the individual's** personal file **information** for an individual at the provider's office **as outlined in the DDRS policy manual.**

~~(b) The individual's personal file shall contain documentation of the following:~~

- ~~(1) A change in an individual's physical condition or mental status.~~
- ~~(2) An unusual event for the individual.~~
- ~~(3) All health and medical services provided to an individual.~~
- ~~(4) An individual's training outcomes.~~

~~(c) A change or unusual event referred to in subsection (b) shall include the following:~~

- ~~(1) Vomiting.~~
- ~~(2) Choking.~~
- ~~(3) Falling.~~
- ~~(4) Disorientation or confusion.~~
- ~~(5) Patterns of behavior.~~
- ~~(6) A seizure.~~

~~(d) The documentation of a change or an event referred to in subsections (b) and (c) shall include the following:~~

- ~~(1) The date, time, and duration of the change or event.~~
- ~~(2) A description of the response of the provider, or the provider's employees or agents to the change or event.~~
- ~~(3) The signature of the provider or the provider's employees or agents observing the change or event.~~

~~(e) The documentation of all health and medical services provided to the individual shall:~~

- ~~(1) be kept chronologically; and~~
- ~~(2) include the following:~~
  - ~~(A) Date of services provided to the individual.~~
  - ~~(B) A description of services provided.~~
  - ~~(C) The signature of the health care professional providing the services.~~

~~(f) The individual's training file shall include documentation regarding the individual's training goals required by [460 IAC 6-24-1](#).~~

*(Division of Disability and Rehabilitative Services; [460 IAC 6-17-4](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 774; filed Aug 29, 2003, 10:30 a.m.: 27 IR 112; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 70. [460 IAC 6-24-3](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-24-3](#) Management of individual's financial resources**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 3. (a) ~~This section applies to:~~

- ~~(1) an individual's residential living allowance management services provider; or~~  
~~(2) The provider, entity, or person identified in an individual's individualized support plan ISP as being responsible for an individual's property or financial resources~~

~~(b) The provider shall assist an individual to:~~

- ~~(1) obtain, possess, and maintain financial assets, property, and economic resources; and~~  
~~(2) obtain insurance at the individual's expense to protect the individual's assets and property.~~

~~(c) (b)~~ If the provider is responsible for management of an individual's funds, the provider shall do the following:

- ~~(1) Maintain separate accounts for each individual.~~  
~~(2) Provide monthly account balances and records of all transactions to the individual and, if applicable, the individual's legal representative.~~

**(3) Maintain receipts for all expenditures.**

~~(3) Inform the individual or the individual's legal representative, if applicable, that the payee is required by law to spend~~ **(4) Ensure** the individual's funds **are used** only for the needs of the individual.

**(5) Cooperate fully with any DDRS initiated financial review of the individual's finances.**

**(c) An individual's account shall not include the name of the provider company or any:**

- (1) owner;**  
**(2) director;**  
**(3) officer;**  
**(4) employee;**  
**(5) contractor;**  
**(6) subcontractor; or**  
**(7) agent;**

**of the provider.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-24-3](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 779; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 71. [460 IAC 6-25-1](#) IS AMENDED TO READ AS FOLLOWS:

**Rule 25. Health Care Coordination**

**[460 IAC 6-25-1](#) Health care coordination responsible party**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 1. ~~Coordination of the health care for an individual shall be the responsibility of either of the following:~~

- ~~(1) A provider of health care coordination services.~~  
~~(2) The provider identified in an individual's ISP as responsible for the health care of the individual. The~~  
**person or provider responsible for health care coordination for an individual shall be documented in the individual's ISP, and be one (1) of the following:**

- (1) The individual.**  
**(2) A family member of the individual or other person selected by the individual or legal representative of the individual.**

**(3) The residential habilitation and support provider for the individual for individuals receiving services under Medicaid waiver.**

(Division of Disability and Rehabilitative Services; [460 IAC 6-25-1](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 780; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 72. [460 IAC 6-25-2](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-25-2](#) Health care coordination services received by an individual**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 2. The provider **responsible party** identified in section 1 of this rule shall coordinate the health care received by the individual including: **as outlined in the DDRS policy manual.**

- ~~(1) annual physical, dental, and vision examinations as ordered by the individual's physician;~~
- ~~(2) routine examinations as ordered by the individual's physician;~~
- ~~(3) routine screenings as ordered by the individual's physician;~~
- ~~(4) identification and treatment of allergies as ordered by the individual's physician; and~~
- ~~(5) referrals to specialists.~~

(Division of Disability and Rehabilitative Services; [460 IAC 6-25-2](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 780; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 73. [460 IAC 6-25-3](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-25-3](#) Documentation of health care coordination received by an individual**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 3. (a) The provider **responsible party** identified in section 1 of this rule shall maintain a personal file **information** for each individual served **as outlined in the DDRS policy manual.**

- (b) The individual's personal file shall contain the following information:
  - ~~(1) The date of health and medical services provided to the individual.~~
  - ~~(2) A description of the health care or medical services provided to the individual.~~
  - ~~(3) The signature of the person providing the health care or medical service for each date a service is provided.~~
  - ~~(4) Additional information and documentation required in this rule, including documentation of the following:
    - ~~(A) An organized system for medication administration.~~
    - ~~(B) An individual's refusal to take medication.~~
    - ~~(C) Monitoring of medication side effects.~~
    - ~~(D) Seizure tracking.~~
    - ~~(E) Changes in an individual's status.~~
    - ~~(F) An organized system of health-related incident management.~~
    - ~~(G) If applicable to this provider, an investigation of the death of an individual.~~~~

(Division of Disability and Rehabilitative Services; [460 IAC 6-25-3](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 780; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 74. [460 IAC 6-29-1](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-29-1](#) Environment shall conform to ISP**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 1. A provider designated in the individual's ISP as responsible for providing environmental and living arrangement support for the individual shall ensure that an individual's physical environment ~~conforms to the~~ **includes modifications and adaptations in compliance with the** requirements of:

- (1) the individual's ISP; and
- ~~(2) this rule.~~
- (2) the DDRS policy manual.**

(Division of Disability and Rehabilitative Services; [460 IAC 6-29-1](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 783; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 75. [460 IAC 6-29-2](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-29-2](#) Safety of individual's environment**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 2. (a) ~~A~~ **Each** provider designated in the individual's ISP ~~as responsible for providing environmental and living arrangement support shall provide~~ **ensure the following:**

- (1) Residential, vocational, and employment services are provided in a safe environment environments that is are maintained and furnished in the manner set forth in the DDRS policy manual.**

~~(1) maintained in good repair, inside and out; and~~

~~(2) free from:~~

- ~~(A) combustible debris;~~
- ~~(B) accumulated waste material;~~
- ~~(C) offensive odors; and~~
- ~~(D) rodent or insect infestation.~~

~~(b) The provider shall ensure that:~~

~~(1)~~ **(2) An assessment of the individual's environment is conducted every ninety (90) days or as the needs of the individual change. and**

~~(2)~~ **(3) The results of the assessment are documented.**

~~(c)~~ **(b) If an environmental assessment determines that an environment is unsafe for an individual, the provider shall take the appropriate steps to ensure that the individual is safe, including the following: when appropriate:**

**(1) Filing an incident report.**

**(2) Working with the individual and the individualized support team to resolve physical environmental issues.**

(Division of Disability and Rehabilitative Services; [460 IAC 6-29-2](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 784; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 76. [460 IAC 6-29-3](#) IS AMENDED TO READ AS FOLLOWS:

**[460 IAC 6-29-3](#) Monitoring an individual's environment**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.1-9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

Sec. 3. The provider designated in an individual's ISP as responsible for providing environmental and living arrangement support shall ensure that appropriate devices or home modifications: ~~or both:~~

**(1) are provided to the individual in accordance with the individual's ISP; and**

**(2) satisfy the federal Americans with Disabilities Act requirements and guidelines, as applicable.**

(Division of Disability and Rehabilitative Services; [460 IAC 6-29-3](#); filed Nov 4, 2002, 12:04 p.m.: 26 IR 784; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))

SECTION 77. [460 IAC 6-29-5](#) IS AMENDED TO READ AS FOLLOWS:

**460 IAC 6-29-5 Safety and security policies and procedures**

**Authority:** IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

**Affected:** IC 12-11-1.1; IC 12-11-2.1

Sec. 5. (a) A provider designated in an individual's ISP as responsible for providing environmental and living arrangement support for the individual shall **do the following**:

(1) Maintain specific written safety and security policies and procedures, **which shall include at minimum the items outlined in the DDRS policy manual**, for an individual and in the:

(A) provider's office; and

(B) individual's home.

(2) Train all **owners, directors, officers**, employees, **contractors, subcontractors**, or agents **performing any management, administrative, or direct service to an individual on behalf of a provider company** in implementing the policies and procedures.

~~(b) The policies and procedures prescribed by subsection (a) shall include at least the following:~~

~~(1) When and how to notify law enforcement agencies in an emergency or crisis.~~

~~(2) Scheduling and completion of evacuation drills.~~

~~(3) Adopting procedures that shall be followed in an emergency or crisis, such as a tornado, fire, behavioral incident, elopement, or snow.~~

*(Division of Disability and Rehabilitative Services; 460 IAC 6-29-5; filed Nov 4, 2002, 12:04 p.m.: 26 IR 784; readopted filed Sep 26, 2008, 11:11 a.m.: 20081015-IR-460080618RFA)*

SECTION 78. 460 IAC 6-36-2 IS AMENDED TO READ AS FOLLOWS:

**460 IAC 6-36-2 Code of ethics**

**Authority:** IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

**Affected:** IC 12-11-1.1; IC 12-11-2.1

Sec. 2. A provider ~~in the provision of services under this article~~, shall abide by the following code of ethics **outlined in the DDRS policy manual**.

~~(1) A provider shall provide professional services with objectivity and with respect for the unique needs and values of the individual being provided services.~~

~~(2) A provider shall avoid discrimination on the basis of factors that are irrelevant to the provision of services, including, but not limited to:~~

~~(A) race;~~

~~(B) creed;~~

~~(C) gender;~~

~~(D) age; or~~

~~(E) disability.~~

~~(3) A provider shall provide sufficient objective information to enable an individual, or the individual's guardian, to make informed decisions.~~

~~(4) A provider shall accurately present professional qualifications and credentials.~~

~~(5) A provider shall accurately present professional qualifications of all employees or agents.~~

~~(6) A provider shall require all employees or agents to assume responsibility and accountability for personal competence in the practice of the person's profession and in the provision of services under this article.~~

~~(7) A provider shall require employees or agents to maintain knowledge and skills required for continued professional competence including all requirements necessary for a licensed or accredited professional to maintain the professional's licensure or accreditation.~~

~~(8) A provider shall require professional, licensed, or accredited employees or agents to adhere to acceptable standards for the employee or agent's area of professional practice.~~

~~(9) A provider shall require employees or agents to comply with all laws and regulations governing a licensed or accredited person's profession.~~

~~(10) A provider shall require all employees or agents to maintain the confidentiality of individual information consistent with the standards of this article and all other laws and regulations governing confidentiality of individual information.~~

- ~~(11) A provider shall require all employees or agents to conduct all practice with honesty, integrity, and fairness.~~
  - ~~(12) A provider shall require all employees or agents to fulfill professional commitments in good faith.~~
  - ~~(13) A provider shall require all employees or agents to inform the public and colleagues of services by use of factual information.~~
  - ~~(14) A provider shall not advertise or market services in a misleading manner.~~
  - ~~(15) A provider providing services shall not engage in uninvited solicitation of potential clients, who are vulnerable to undue influence, manipulation, or coercion.~~
  - ~~(16) A provider shall make reasonable efforts to avoid bias in any kind of professional evaluation.~~
  - ~~(17) A provider shall notify the appropriate party, which may include:~~
    - ~~(A) the division;~~
    - ~~(B) the Indiana state department of health;~~
    - ~~(C) a licensing authority;~~
    - ~~(D) an accrediting agency;~~
    - ~~(E) an employer;~~
    - ~~(F) the office of the attorney general, consumer protection division;~~
- ~~of any unprofessional conduct that may jeopardize an individual's safety or influence the individual or individual's representative in any decision making process.~~

*(Division of Disability and Rehabilitative Services; [460 IAC 6-36-2](#); filed Apr 16, 2004, 10:00 a.m.: 27 IR 2726; readopted filed Sep 26, 2008, 11:11 a.m.: [20081015-IR-460080618RFA](#))*

SECTION 79. [460 IAC 6-37](#) IS ADDED TO READ AS FOLLOWS:

#### **Rule 37. Placement Authority**

##### **[460 IAC 6-37-1](#) Placement authority**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1-1](#); [IC 12-11-2.1](#)

**Sec. 1. BDDS is the placement authority for persons with a developmental disability in the state of Indiana, including all placements in community-based settings and intermediate care facilities for the mentally retarded (ICF/MR).**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-37-1](#))*

SECTION 80. [460 IAC 6-38](#) IS ADDED TO READ AS FOLLOWS:

#### **Rule 38. Auto-Assignment**

##### **[460 IAC 6-38-1](#) Auto-assignment**

**Authority:** [IC 12-8-8-4](#); [IC 12-9-2-3](#); [IC 12-11-1.9](#); [IC 12-11-2.1-12](#)

**Affected:** [IC 12-11-1.1](#); [IC 12-11-2.1](#)

**Sec. 1. In situations where an individual does not choose a provider within the specified time frame:**

**(1) as a new enrollee; or**

**(2) after receiving a sixty (60) day termination notice from the current provider;**

**the division may auto-assign a provider for the individual for thirty (30) days.**

*(Division of Disability and Rehabilitative Services; [460 IAC 6-38-1](#))*

SECTION 81. [460 IAC 6-39](#) IS ADDED TO READ AS FOLLOWS:

#### **Rule 39. Policy Review Period**



**460 IAC 6-39-1 Policy review period**

**Authority:** IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.9; IC 12-11-2.1-12

**Affected:** IC 12-11-1.1; IC 12-11-2.1

**Sec. 1. Any policy affected by this rule shall have a thirty (30) day public review period.**

*(Division of Disability and Rehabilitative Services; 460 IAC 6-39-1)*

SECTION 82. THE FOLLOWING ARE REPEALED: 460 IAC 6-2-3; 460 IAC 6-3-2.1; 460 IAC 6-3-4; 460 IAC 6-3-5.1; 460 IAC 6-3-5.2; 460 IAC 6-3-6.1; 460 IAC 6-3-7; 460 IAC 6-3-10.1; 460 IAC 6-3-11; 460 IAC 6-3-12; 460 IAC 6-3-13; 460 IAC 6-3-14; 460 IAC 6-3-15; 460 IAC 6-3-15.1; 460 IAC 6-3-15.3; 460 IAC 6-3-16; 460 IAC 6-3-17; 460 IAC 6-3-20; 460 IAC 6-3-21; 460 IAC 6-3-23; 460 IAC 6-3-25; 460 IAC 6-3-26; 460 IAC 6-3-28; 460 IAC 6-3-29; 460 IAC 6-3-29.5; 460 IAC 6-3-31; 460 IAC 6-3-33; 460 IAC 6-3-37; 460 IAC 6-3-38; 460 IAC 6-3-38.6; 460 IAC 6-3-39; 460 IAC 6-3-40; 460 IAC 6-3-41; 460 IAC 6-3-41.1; 460 IAC 6-3-43; 460 IAC 6-3-44; 460 IAC 6-3-47; 460 IAC 6-3-48; 460 IAC 6-3-49; 460 IAC 6-3-50; 460 IAC 6-3-52; 460 IAC 6-3-53; 460 IAC 6-3-55; 460 IAC 6-3-56; 460 IAC 6-3-57; 460 IAC 6-3-58; 460 IAC 6-5; 460 IAC 6-6-3; 460 IAC 6-6-4; 460 IAC 6-7-1; 460 IAC 6-7-3; 460 IAC 6-7-4; 460 IAC 6-8-1; 460 IAC 6-9-1; 460 IAC 6-10-1; 460 IAC 6-10-6; 460 IAC 6-10-13; 460 IAC 6-11-1; 460 IAC 6-11-3; 460 IAC 6-12-1; 460 IAC 6-13; 460 IAC 6-14-1; 460 IAC 6-14-6; 460 IAC 6-15-1; 460 IAC 6-16-3; 460 IAC 6-17-1; 460 IAC 6-18; 460 IAC 6-19; 460 IAC 6-20; 460 IAC 6-21; 460 IAC 6-22; 460 IAC 6-23; 460 IAC 6-24-1; 460 IAC 6-24-2; 460 IAC 6-25-4; 460 IAC 6-25-5; 460 IAC 6-25-6; 460 IAC 6-25-7; 460 IAC 6-25-8; 460 IAC 6-25-9; 460 IAC 6-25-10; 460 IAC 6-26; 460 IAC 6-27; 460 IAC 6-28; 460 IAC 6-29-4; 460 IAC 6-29-6; 460 IAC 6-29-7; 460 IAC 6-29-8; 460 IAC 6-29-9; 460 IAC 6-30; 460 IAC 6-31; 460 IAC 6-32; 460 IAC 6-33; 460 IAC 6-34; 460 IAC 6-35; 460 IAC 6-36-1.

Notice of Public Hearing

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